IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

SECOND APPEAL NO.1388 OF 2005

Mahadeo Pandurang Mohite. ... Appellant.

Vs.

Mahadev Anna Mohite & Ors. ... Respondents.

...

Mr. G. C.Sawant for the Appellant.

.....

**CORAM : DR.D.Y.CHANDRACHUD, J.**

December 2, 2005.

**P.C. :**

The concurrent finding of both the Courts below is that Dadu Kondi Mohite was the tenant of the suit land. The name of the Second Defendant who was the elder son came to be mutated in the revenue record after the death of Dadu. The finding of fact is that the family continued to be joint and that the family was possessed of a sufficient nucleus from which the suit land was purchased. The Appellant purchased the suit land from the Second Defendant. There was no explanation forthcoming of the circumstances in

which the land came to be sold. The legal necessity was not shown. Hence it has been correctly held that the sale will not bind the 2/3rd share of the Plaintiff. There is no substantial question of law. The Second Appeal is dismissed.

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